

REMARKS

Claims 1-4, 6-9, 11 and 15-19 are pending. Claims 5, 10 and 12-14 are canceled. Claim 16 is currently amended. Claim 19 is new. No new matter has been added.

The Examiner is thanked for withdrawing the previous grounds for rejection.

The Examiner rejected claims 1-4, 6, 7, 17 and 18 under 35 USC Section 103(a) as obvious over Weitkamp (EP-1101934 A) in view of U.S. Patent No. 6,494,437 issued to Boyer, or alternatively as obvious over Weitkamp in view of U.S. Patent No. 3,829,064 issued to Jackson. The Examiner rejected claims 8, 9, 11 and 16 as obvious over Nickelsen (EP 1101936) in view of Boyer, or alternatively as obvious over Nickelsen in view of Jackson. Applicant respectfully traverses the Examiner's rejections.

As an initial matter, the Examiner appears to treat claims 17 and 18 as if they depended from independent claim 1. Claims 17 and 18 depend from claim 9, which depends from independent claim 8. To expedite prosecution and avoid any confusion, Applicant has addressed why claims 17 and 18 are allowable over the combinations of the references cited by the Examiner against claims 1 and against claim 8.

Independent claim 1 recites, "[a] wind power installation comprising: a pylon having a head; a winch; at least one deflection roller; and at least one cable passage means in the region of the pylon head for passing therethrough a hauling cable from the winch, wherein the winch is mounted on a vehicle at the base of the wind power installation, without using a crane separate from the pylon to support the winch." Independent claim 6 recites, "[a] method of fitting/removing components of a wind power installation comprising: transporting a winch mounted on a transport vehicle to a base of the wind power installation, laying a hauling cable from the winch to at least one deflection roller in a region of a pylon head and further to a component to be fitted/removed, attaching the hauling cable to the component, and releasing and letting down or pulling up and fixing the component, wherein a crane separate from the pylon is not used to support the winch." Independent claim 8 recites, "[a] wind power installation, comprising: a pylon; a base; a pod; and means for moving an object with respect to the pod, wherein the means for moving an object with respect to the pod is at least partially contained

within the pod and includes a winch mounted on a transport vehicle, wherein a crane separate from the pylon is not used to support the winch.”

The Examiner first relies on Weitkamp and Boyer. Weitkamp discloses a winch 60 which is permanently mounted to a pylon foundation. There is a single structure which comprises the winch, the foundation, the tower, the crane arms and its ends. See Figure 3 of Weitkamp. In Boyer, a winch is mounted on a boom of a host vehicle. Thus Weitkamp and Boyer both teach complete lifting systems with all the components connected together in a single structure, and thus both teach away from the claimed subject matter. In contrast, independent claims 1, 6 and 8 are directed to systems in which the winch and the supporting structure are separate, and in which the winch is not supported by a crane separate from the pylon. One would not be motivated to combine Weitkamp and Boyer because there is no need in Weitkamp for the boom of Boyer (and no need in Boyer for the winch of Weitkamp), and because coupling the boom of Boyer to the winch of Weitkamp would be complicated, which is contrary to the simple structure of Weitkamp. Accordingly, Applicant submits that claims 1, 6 and 8 are not rendered obvious by Weitkamp, alone or in combination with Boyer. Claims 2-4 depend from claim 1, claim 7 depends from claim 6 and claims 9, 11, 15, 17 and 18 depend from claim 8, and are thus allowable at least by virtue of their dependencies.

Applicant also notes that the Examiner has pointed to admitted prior art as teaching that it is well known to transport a winch to an installation for raising and lower components. The Examiner then reasons that it would have been obvious to use the winch of Boyer to raise and lower component into the wind power installation. The Examiner appears to be referring to the following portion of the description of the prior art:

Wind power installations have long been known. The considerable dimensions and weights of modern installations means that on the one hand components frequently have to be transported individually to the building site. There the components are then fitted together. In that respect in the meantime loads of 50 tons and more certainly have to be lifted.

On the other hand loads also have to be lifted to a considerable height of over 100 meters. Admittedly winches are known in wind power installations, but those winches are mostly disposed in the rear part of the pod of the wind power installation.

Substitute Spec. at page 1, lines 8-16. See also Original Spec. at page 1, lines 7-15.

This portion of the specification is not an admission that it was known to use a winch mounted on a transport vehicle to raise and lower components, as the Examiner appears to suggest. Further, as discussed in more detail above, Boyer discloses a complete lifting system on the vehicle. One would not be motivated to combine the boom of Boyer with the winch of Weitkamp.

The Examiner next relies on Weitkamp and Jackson. The winch and vehicle of Jackson are designed for pulling or towing work. Jackson is not intended to or suitable for lifting components, and would be inherently unstable if modified for use to lift components. In particular, the components of a wind power installation can weigh between several tons and 20 twenty tons. The winch of Jackson would either separate from the vehicle, or the entire vehicle would be winched up the cable. In addition, Weitkamp already has a winch inside the pylon, and one would not be motivated to replace it with the inadequate winch of Jackson outside the pylon. Accordingly, Applicant submits that claims 1, 6 and 8 are not rendered obvious by Weitkamp, alone or in combination with Jackson. Claims 2-4 depend from claim 1, claim 7 depends from claim 6 and claims 9, 11, 15, 17 and 18 depend from claim 8, and are thus allowable at least by virtue of their dependencies.

The Examiner next relies on Nickelsen in view of Boyer. Nickelsen and Boyer both disclose complete lifting systems, with all the components connected together in a single structure, and thus both teach away from the claimed subject matter. In contrast, independent claims 1, 6 and 8 are directed to systems in which the winch and the supporting structure are separate, and in which the winch is not supported by a crane separate from the pylon. One would not be motivated to combine Nickelsen and Boyer because there is no need in Nickelsen for the boom of Boyer (and no need in Boyer for the winch of Nickelsen). Accordingly, Applicant submits that claim 8 is not rendered obvious by Nickelsen, alone or in combination with Boyer. Claims 9, 11, 15, 17 and 18 depend from claim 8, and are thus allowable at least by virtue of their dependencies.

The Examiner also relies on Nickelsen in view of Jackson. The winch and vehicle of Jackson are designed for pulling or towing work. Jackson is not intended to or suitable for

lifting components, and would be inherently unstable if modified for use to lift components. In particular, the components of a wind power installation can weigh between several tons and 20 twenty tons. The winch of Jackson would either separate from the vehicle, or the entire vehicle would be winched up the cable. In addition, Nickelsen already has a winch, and one would not be motivated to replace it with the inadequate winch of Jackson. Accordingly, Applicant submits that claim 8 is not rendered obvious by Nickelsen, alone or in combination with Jackson. Claims 9, 11, 15, 17 and 18 depend from claim 8, and are thus allowable at least by virtue of their dependencies.

Independent claim 16, which as amended recites, “wherein a crane separate from the pylon is not used to support the winch,” is allowable for reasons that are apparent in view of the discussion set forth above with respect to claim 8. Claim 19 is allowable at least by virtue of its dependency.

Applicant also notes that in the Office Action, the Examiner argues the combinations of Weitkamp and Boyer, Weitkamp and Jackson, Nickelsen and Boyer and Nickelsen and Jackson would be “inherently capable” of performing the methods claimed. To the extent the Examiner is making an inherency argument, Applicant respectfully requests the Examiner point to evidence that the elements of the claims are inherently present. Applicant further notes that showing a reference could have incorporated an element (a showing which has not been made), is not the same thing as showing the reference (or a combination of references) would inherently include an element.

Application No. 10/516,570
Reply to Office Action dated October 8, 2008

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

All of the claims remaining in the application are now clearly allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,
SEED Intellectual Property Law Group PLLC

/Timothy L. Boller/
Timothy L. Boller
Registration No. 47,435

TLB:jrb

701 Fifth Avenue, Suite 5400
Seattle, Washington 98104
Phone: (206) 622-4900
Fax: (206) 682-6031

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